

14. The improved system of claim 12 wherein the customer computerized communications facility includes means for communicating with a number of different central computerized communications facilities.

15. The improved system of claim 14 including means enabling a customer to speak with more than one representative.

16. The improved system of claim 15 wherein one representative is located at a retail sales store, and the other representative is located at a banking institution.

#### **Remarks**

Applicant's attorney is puzzled about the Office Action having been sent to the inventor.

The new drawings are submitted herewith.

A Supplemental Declaration is filed herewith in response to that requirement.

The Examiner's comments relative to his Section 112 objections to the claims have been carefully studied and they were found quite helpful. Claims 7 and 11 have been canceled, and it was deemed necessary to rewrite the remaining claims rather than to attempt to amend them. The phraseology stating the purpose of the improvement as affording a customer freedom,

etc. was believed to be a preamble clarifying the invention. In view of the objection it has been deleted. The remaining objections, such as the delineation of the facilities and databases, the means for accessing those facilities, and the use of the facilities have been taken care of in the newly presented claims.

The claims herein have been rejected under 35 U.S.C. 103 over Dworkin in view of D'Agostino. It is urged, however, that the basis for this rejection, if not tenuous, is at least questionable. Applicant's claims include computer means at both the customer and the central facility adapted to transmit and receive images and data between them. Both facilities also include computer input means for data communication. Dworkin does not suggest such communication. Rather, a series of templates and blanks are used by Dworkin to extract information.

Input means for two types of customers, those not familiar with computers, and those who like to use computers, as now claimed with greater precision, are not anticipated by the references. No means is suggested by either Dworkin or D'Agostino for use by customers who are uneasy before

computers. Applicant's claims recite input means allowing the first type to simply see a presentation. Means are also claimed enabling the second type of customer to access the database and browse to learn about the goods and services at his desired level of knowledge. Neither Dworkin nor D'Agostino suggest such an invention. The invention is, then, not obvious. Dworkin uses a series of screens, tests and templates designed to elicit the desires of a customer. The customer merely selects options in multiple choice fashion or fills in blanks. When the series is completed the customer's desires relative to goods, their sources and prices, will have been obtained. The resulting information desired by the customer is then transmitted to the customer. There is nothing in Dworkin suggesting two-way communication as claimed herein. D'Agostino is relied on for this. However neither reference suggests the means, now claimed, for allowing a customer to browse through a database. As indicated, in Dworkin the customer selects choices by number, or fills in blanks in templates. D'Agostino, on the other hand, discloses that, "The keyboard is not used by the customer, because he does not operate the customer terminal." (Column 7, line 65). Even if the

references are combined there is nothing suggesting one means for a customer shying away from computers, and one means for a customer who enjoys computers. It cannot be said, then, that applicant's invention is obvious under Section 103 of the Patent Act over this combination of Dworkin and D'Agostino. Like Lockwood, Dworkin is similar to a programmed course with no verbal contact, and D'Agostino has contact but no computer. He does not want the customer to use a terminal. There is, therefore, no basis for the combination.

A position that Dworkin teaches means to allow the user to communicate with management is believed to be unfounded, particularly as applied to the type of communication claimed herein. The use of e-mail for complaints, suggestions and verification of orders does not render obvious the computerized communications system claimed herein. Indeed, the recipient of the e-mail may not be, and generally is not, around. Such is not suggestive of the two-way communication contemplated and claimed herein.

Clarifying, the prior art, particularly if interpreted as of applicant's effective filing date, does not take into account the fact that some customers feel intimidated by

computers and others do not. On the other hand some customers feel pressured by telephone contact and do not want to talk to a personal representative. Applicant solves these problems. The references, even when combined, do not pertain to either the problem or its solution. Indeed, the allowance of the small advance of the Dworkin invention over what was done by Lockwood is evidence that this is a crowded art. It is believed to be the law that in a crowded art the advance or step toward patentability need not be as great. Such being the case it can be argued before the Board of Appeals that the references should not be applied as broadly as they are in the final rejection. For example, the submission of e-mail correspondence, which may not even be read at the time, can not be said to be tantamount to talking to a representative. The disclosure in column 10 of the Dworkin patent relating to a consultant does not suggest talking to one at the time. The system would search its database and list the software consultants fulfilling the user's criteria. The user would be given a telephone number in order to call a consultant. Some later consultation is not the provision of help when the customer is in trouble. It is submitted therefore that

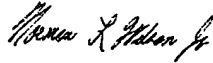
applicant's claims are allowable.

Referring now to the combination itself, the rationale appears to be that Dworkin teaches a communications system because he is thought to communicate with management, and hence Dworkin can be logically combined with D'Agostino. It is emphatically submitted, however, that in actual fact the rejection is based on applicant's disclosure. As indicated the use of e-mail for complaints and suggestions does not render obvious the type of personal assistance claimed herein where the customer talks to a representative. That the rejection is based on applicant's disclosure is evidenced by the fact that D'Agostino does not want a computer to be used by the customer. In fact he hides it (Col 7, line 63) from the customer. D'Agostino thus teaches away from, and affords no basis for, the combination. Dworkin uses a keyboard input means, whereas D'Agostino provides only a "dumb" terminal (Col. 8). It is believed, therefore, that applicant's claims as now presented are allowable. In any event it is respectfully requested that they be entered for the purpose of appeal.

Summarizing, the invention herein not only permits greater utilization of the representative's time than does

D'Agostino, but it allows the customer freedom which Dworkin does not. Unfamiliarity with computers makes even independent customers reluctant to work alone. They need access to a representative when they desire it. On the other hand customers familiar with computers can get tangled up. Unlike the teachings in Dworkin, they too need a representative to get them untangled. D'Agostino's representative who controls the entire process is not a suggestion to utilize a representative in such instances. Applicant's claimed system provides such a personal representative and is therefore patentable.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Norman L. Wilson, Jr.", is positioned above the typed name.

Norman L. Wilson, Jr.  
Attorney of Record

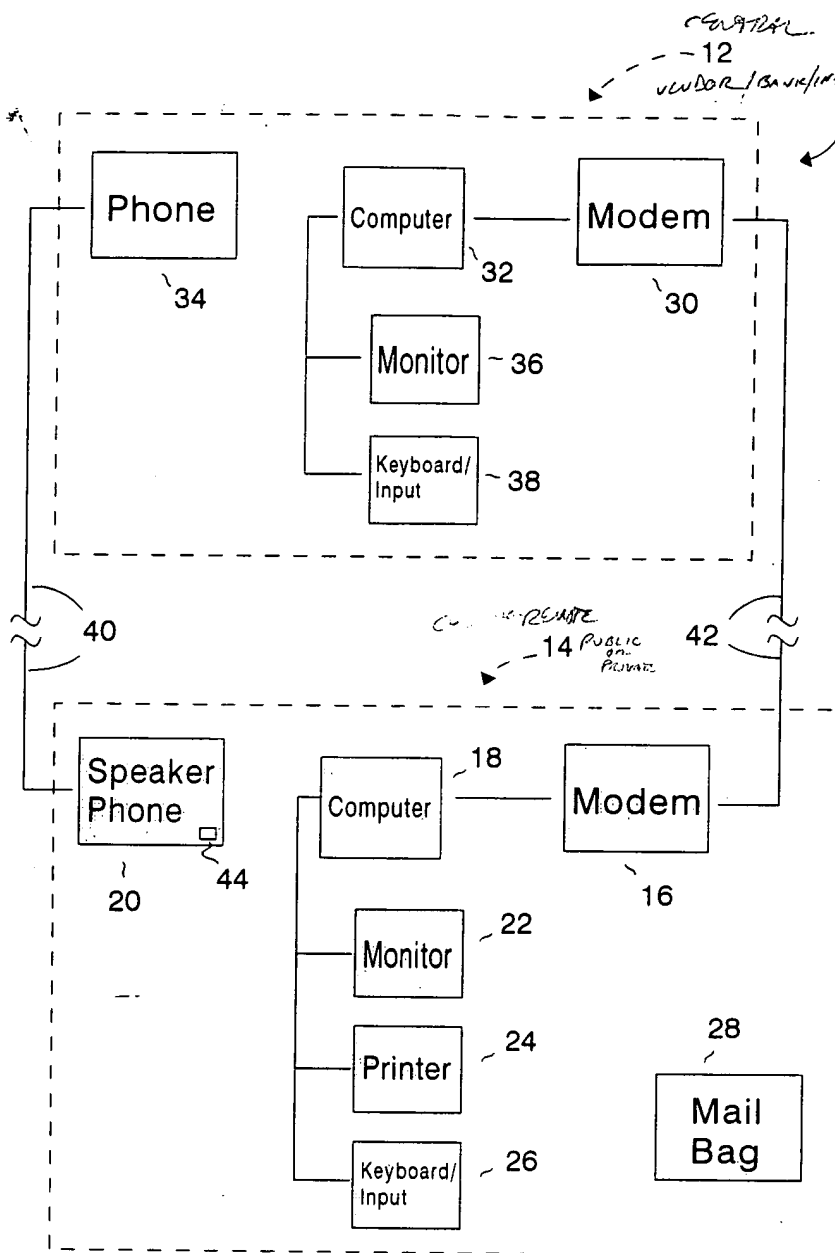


Fig. 1